

REMARKS

The Office Action dated November 14, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-2, 6-7, 15, 17-18, 20-21, 26, 30, 32, 34-35, and 43-49 are currently pending in the application, of which claims 1, 18, 20, 35, and 46-47 are independent claims. Claims 1, 6, 18, 20, 30, 35, and 46-47 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 11-14, 16, 33, 36, and 40-42 have been cancelled without prejudice or disclaimer. Claims 1-2, 6-7, 15, 17-18, 20-21, 26, 30, 32, 34-35, and 43-49 are respectfully submitted for consideration.

The Office Action, at page 2, included three times as “Response to Arguments.” As a first item, the Office Action stated that “the ‘indication’ can be a person dialing or the network receiving a ‘911’ call, which would be used to override the denial of service since an emergency has occurred.” Applicants respectfully submit that the claims, as they stand amended, are not susceptible of this interpretation. Specifically, for example, claim 1 presently recites, “determining, by a determiner, if the network access request is an emergency call in dependence on receipt of an indication, received from the core network.” This recitation makes two things clear: (1) the “emergency call” is a distinct concept from the “indication,” and (2) the “indication” comes from the core network.

Accordingly, it is respectfully submitted that the Office Action's interpretation of the claim cannot apply to the claim as amended.

The second item of the Office Action's "Response to Amendment," was to point out some formal issues with the claims. These issues are addressed under the appropriate headings, below.

The third item of the Office Action's "Response to Amendment," was to note that a more favorable outcome could occur from amending claim 1 to include the features of claims 11, 13-14, and 16. Applicants have made such an amendment to the claims, and consequently await the more favorable outcome indicated in the Office Action.

Claim Rejections under 35 U.S.C. § 101

The Office Action rejected claims 1 and 35 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. The Office Action argued that the claims were not tied to another statutory category, referencing the May 15, 2008, memorandum from Deputy Commissioner John J. Love. This memorandum is outdated in view of the Federal Circuit's subsequent decision in *In re Bilski*, and Deputy Commissioner Love has provided a new memorandum on January 7, 2009, in view of *Bilski*. It is respectfully submitted that the process claims of the present application (including method claim 1) are properly tied to a particular machine. Furthermore, it is respectfully submitted that system claim 35 recites a system, which is a "machine" (not a process) within the

meaning of 35 U.S.C. 101. Thus, claim 35 is also directed to statutory subject matter, and it is respectfully requested that the rejections of claims 1 and 35 be withdrawn.

The Office Action rejected claim 18 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Specifically, the Office Action alleged that the specification fails to provide support for the term, “computer readable medium.” Applicants respectfully traverse this rejection.

Original claim 18 recited a “computer program product.” For clarity, this had been amended to recite that the computer program product is “embodied on a computer-readable medium.” One of ordinary skill in the art would have appreciated that the disclosure of a “computer program product” would include the concept of the computer program product being embodied on a computer-readable medium, although those precise words were not used in the specification.

Evidence of this understanding can be seen from original claim 19, in which a “computer program product” was described as “comprising a computer useable medium.” Thus, one of ordinary skill in the art would have recognized that the specific instance of embodiment of the computer program product on a computer-readable medium was possessed at the time the invention was made.

Furthermore, as a technical matter, the issue of “support” is not really relevant to a rejection under 35 U.S.C. 101, and consequently the rejection is not a *prima facie* rejection. For all these reasons, the rejection must be withdrawn.

Claim Rejections under 35 U.S.C. §112, First Paragraph

The Office Action rejected claim 18 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Office Action alleged that the claims contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Office Action asserted that “Support for the actual computer readable medium, critical or essential to the practice of the invention, is not enabled by the disclosure.” This is not correct. One of ordinary skill in the art at the time the invention was made could readily understand how to embody a “computer program product” on a “computer readable medium,” without any special teachings of any kind by the Applicants. Accordingly, the claims are fully enabled, since such activity is well within the ability of one of ordinary skill in the art, without undue experimentation.

The rejection also mentions the issues of signals. Nevertheless, since the claim recites a “computer program **product**” and since that product is “embodied” on a medium, the claims already exclude an interpretation that the medium recited in the claim is merely a transient signal, which would not appear to be considered patentable subject matter under current Federal Circuit precedent. Accordingly, it is respectfully requested that the rejection of claim 18 be withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-2, 6-7, 11, 13-18, 20-21, 25-26, 30, 32-33, 35-36, 42, and 45-47

The Office Action rejected claims 1-2, 6-7, 11, 13-18, 20-21, 25-26, 30, 32-33, 35-36, 42, and 45-47 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over U.S. Patent No. 6,230,017 of Andersson, *et al.* (“Andersson”) in view of U.S. Patent No. 6,011,973 of Valentine, *et al.* (“Valentine”), and further in view of either U.S. Patent No. 6,885,857 of Hanson (“Hanson”) or U.S. Patent No. 5,960,416 of Block (“Block”). The Office Action asserted that Andersson teaches some of the claim features, but recognized that it has various deficiencies, and consequently cited Valentine. Furthermore, the Office Action recognized that the combination of Andersson and Valentine has certain deficiencies with respect to the rejected claims and consequently further cited Hanson. Nevertheless, the combination of Andersson, Valentine, and Hanson still fails to disclose or suggest all of the features of the claims, as recognized in the Office Action, and consequently Block has additionally been cited to remedy the deficiencies of the combination of Andersson, Valentine, and Hanson. Applicants respectfully submit that the combination of Andersson, Valentine, Hanson, and Block is improper and fails, nevertheless, to disclose or suggest all of the elements of any of the presently pending claims.

Claim 1, upon which claims 2, 6-7, 15, 17, and 48 depend, is directed to a method including receiving, by a receiver, a network access request from a user equipment in a network, said network comprising an access network and a core network. The method

also includes determining, by a determiner, if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the network access request is an emergency call. The method further includes receiving, by the receiver, network access information relating to the user equipment, the network access information indicating the areas the user equipment is allowed to access. The method additionally includes detecting, by a detector, establishment of a radio access bearer. The method also includes disabling, by a disabler, selective access to the network in response to determining that the network access request is an emergency call and in response to detecting the establishment of the radio access bearer, which disabling is activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The method further includes detecting, by a detector, termination of the emergency call. The method additionally includes terminating, by a terminator, the disabling responsive to a control signal and responsive to the detecting the termination of the emergency call.

Claim 18 is directed to a computer program product embodied on a computer readable medium including computer program code, the computer program code configured to perform a method. The method includes receiving a network access request from a user equipment in a network, said network comprising an access network and a core network. The method also includes determining if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the network access request is an emergency call. The method further

includes receiving network access information relating to the user equipment, the network access information indicating the areas the user equipment is allowed to access. The method additionally includes detecting establishment of a radio access bearer. The method also includes disabling selective access to the network in response to determining that the network access request is an emergency call and in response to detecting the establishment of the radio access bearer, which disabling is activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The method further includes detecting termination of the emergency call. The method additionally includes terminating the disabling responsive to a control signal and responsive to the detecting the termination of the emergency call.

Claim 20, upon which claims 21, 26, 30, 32, 34, and 49 depend, is directed to an apparatus including a network access request receiver configured to receive a network access request from a user equipment in a network, said network comprising an access network and a core network. The apparatus also includes a determiner configured to determine if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the network access request is an emergency call. The apparatus further includes a network access information receiver configured to receive network access information relating to the user equipment, the network access information indicating the areas the user equipment is allowed to access. The apparatus additionally includes an access controller configured to selectively control network access for the user equipment in dependence on the network access information.

The apparatus also includes a detector configured to detect establishment of a radio access bearer. The apparatus further includes a disabler configured to disable the access controller for an emergency call, said disabler being activated in response to said determiner determining said network access request is an emergency call and in response to said detector detecting the establishment of the radio access bearer, which disabler is configured such as to be activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The apparatus additionally includes a second detector configured to detect termination of the emergency call. The apparatus also includes a terminator configured to terminate the disabling responsive to a control signal and responsive to the second detector detecting the termination of the emergency call.

Claim 35, upon which claims 43-45 depend, is directed to a system including an access network, a core network, and at least one user equipment configured to connect to the core network through the access network. The access network is configured to receive a request for network access request from the user equipment. The access network is also configured to determine if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the network access request is an emergency call. The access network is further configured to receive network access information relating to the user equipment from the core network, the network access information indicating the areas the user equipment is allowed to access. The access network is additionally configured to detect the establishment of a

radio access bearer. The access network is also configured to disable selective controlling of access to the network in dependence on determining that the network access request is an emergency call and detecting the establishment of a radio access bearer, which disabling is activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The access network further configured to detect termination of the emergency call. The access network is additionally configured to terminate the disabling responsive to a control signal and responsive to the detection of the termination of the emergency call.

Claim 46 is directed to an apparatus including network access request receiving means for receiving a network access request from a user equipment in a network, said network comprising an access network and a core network. The apparatus also includes determining means for determining if the network access request is an emergency call in dependence on receipt of indication, received from the network, that the access request is an emergency call. The apparatus further includes network access information receiving means for receiving network access information relating to the user equipment, the network access information indicating the areas the user equipment is allowed to access. The apparatus additionally includes selection means for selectively controlling network access for the user equipment in dependence on the network access information. The apparatus also includes means for detecting establishment of a radio access bearer. The apparatus further includes disabling means for disabling the selection means for an emergency call, said disabling means being activated in response to said determining

means determining said network access request is an emergency call and in response to said detecting means detecting the establishment of the radio access bearer, which disabling means is configured such as to be activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The apparatus additionally includes second means for detecting configured to detect termination of the emergency call. The apparatus also includes termination means configured to terminate the disabling means responsive to a control signal and responsive to the second means for detecting detecting the termination of the emergency call.

Claim 47 is directed to a system including an access network, a core network, and at least one user equipment for connection to the core network through the access network. The access network includes network access request receiving means for receiving a network access request from a user equipment in a network. The access network also includes determining means for determining if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the access request is an emergency call. The access network further includes network access information receiving means for receiving network access information relating to the user equipment, the network access information indicating the areas the user equipment is allowed to access. The access network additionally includes selection means for selectively controlling network access for the user equipment in dependence on the network access information. The access network also includes means

for detecting establishment of a radio access bearer. The access network further includes disabling means for disabling the selection means for an emergency call, said disabling means being activated in response to said determining means determining said network access request is an emergency call and in response to said detecting means detecting the establishment of the radio access bearer, which disabling means is configured such as to be activated only for a predetermined time period and for the emergency call network access associated with the established radio access bearer. The access network additionally includes second means for detecting configured to detect termination of the emergency call. The access network also includes termination means configured to terminate the disabling means responsive to a control signal and responsive to the second means for detecting detecting the termination of the emergency call.

Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Andersson, Valentine, Hanson, and Block and that the combination of Andersson, Valentine, Hanson, and Block is improper hindsight reconstruction.

Perhaps it is sufficient to note that the Office Action has suggested that the claims as amended are liable to receive a more favorable treatment than the previously pending claims. Nevertheless, for the clarity of the record, a few comments will be provided.

The Office Action acknowledged that Andersson does not disclose or suggest “Receipt of an indication from the core network (eg. That the call is an emergency call)” (quoted as written in the Office Action). The Office Action appears to have

acknowledged that this feature is not presented in Valentine either. The Office Action, however, has asserted that “both Hanson and Block disclose determining if an emergency call has been placed.” (emphasis in original) Nevertheless, it should be noted that neither Hanson nor Block discloses that such a determination is made based on an indication from the core network as required in claim 1. Accordingly, it is respectfully submitted that none of the cited references, singly or in combination, disclose or suggest at least the feature, “determining, by a determiner, if the network access request is an emergency call in dependence on receipt of an indication, received from the core network, that the network access request is an emergency call,” as recited in claim 1, and it is respectfully requested that the rejection of claim 1 be withdrawn.

Independent claims 18, 20, 35, and 46-47 each have their own respective scope. Each of claims 18, 20, 35, and 46-47, however, recites at least some similar features to those found in claim 1. Thus, it is respectfully requested that the rejections of claims 18, 20, 35, and 46-47 be withdrawn at least for similar reasons to those discussed above with respect to claim 1.

Claims 2, 6-7, 11, 13-17, 21, 25-26, 30, 32-33, 36-36, 42, and 45 depend respectively from, and further limit, claims 1, 20, and 35. Thus, each of claims 2, 6-7, 11, 13-17, 21, 25-26, 30, 32-33, 36-36, 42, and 45 recite subject matter that is neither disclosed nor suggested in the combination of Andersson, Valentine, Hanson, and Block. It is, therefore, respectfully requested that the rejection of claims 2, 6-7, 11, 13-17, 21, 25-26, 30, 32-33, 36-36, 42, and 45 be withdrawn.

Additionally, it is respectfully submitted that the large number of references in combination with their different classifications demonstrates the non-obviousness of the invention. Although reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention (*See In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991)), nevertheless the “more” here is the fact that no clear explanation for how each of the three supplemental references would have been obviously combined with the primary reference. The lack of clarity as to the alleged motivation to combine demonstrates the non-obviousness of the invention and establishes, in conjunction with the fact that a large number of references has been used, that the claims should be patentable over the cited art of record. Thus, for this additional reason, it is respectfully requested that the rejection be withdrawn.

Claims 34 and 40

The Office Action rejected claims 34 and 40 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Andersson in view of Valentine, and further in view of U.S. Patent No. 6,775,534 of Lindgren, *et al.* (“Lindgren”). Although claims 34 and 40 depend from claims 20 and 35, the additional teachings of Hanson or Block were not cited in this rejection, rendering the rejection erroneous on its face, in view of the Office Action’s admissions in the rejections of claims 20 and 35.

Claims 43 and 44

The Office Action rejected claims 43 and 44 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Andersson in view of Valentine, and further in view of U.S. Patent No. 6,201,973 of Kowaguchi ("Kowaguchi") and U.S. Patent No. 6,594,492 of Choi, *et al.* ("Choi"). Although claims 43-44 depend from claim 35, the additional teachings of Hanson or Block were not cited in this rejection, rendering the rejection erroneous on its face, in view of the Office Action's admissions in the rejection of claim 35.

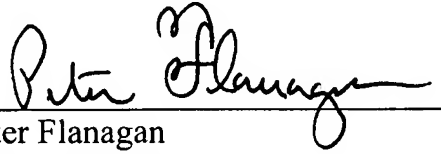
Conclusion

For the reasons set forth above, it is respectfully submitted that each of claims 1-2, 6-7, 15, 17-18, 20-21, 26, 30, 32, 34-35, and 43-49 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-2, 6-7, 15, 17-18, 20-21, 26, 30, 32, 34-35, and 43-49 be allowed, and this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, reading "Peter Flanagan", written over a horizontal line.

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